IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No.6575 of 2007
Date of Decision: December 18, 2007

Parveen Kumar

.....PETITIONER

VERSUS

Joginder Singh

.....RESPONDENT

CORAM: HON'BLE MR JUSTICE T.P.S.MANN

PRESENT: Mr Sandeep Khunger, Advocate
for the petitioner.

T.P.S .MANN, J.

Aggrieved from the order of ejectment, the petitioner filed the present revision.

Ejectment of the petitioner from the tenanted premises was sought by the landlord-respondent on the grounds of non-payment of rent, personal necessity, ceasing to occupy and creating of nuisance. Later on additional plea was taken that the tenant had changed the user of the shop in question.

Learned Rent Controller vide order dated 7.9.2006 accepted the ejectment petition on the two grounds of ceasing to occupy and

change of user whereas the other pleas set up by the landlord were rejected.

The tenant filed an appeal which was dismissed by learned Appellate Authority on 12.4.2007.

Learned counsel for the petitioner submitted that the petitioner earlier used to sell electric goods from the tenanted premises, but later on started running his office from the said place for supplying various articles to different departments. As he had not been sitting in the shop for the entire day but only for a few hours, therefore he did not need electric supply and got it disconnected. Resultantly, it cannot be deduced that the petitioner had ceased to occupy the tenanted premises.

Though the petitioner pleaded that the application was made for disconnection of electric supply, yet he had stated in his written statement and also during his cross-examination that the electric connection was disconnected from outside the building. He also did not produce on record his so called application for disconnection.

Even if the petitioner had discontinued his business of selling electric goods from the tenanted premises and instead started using the same as his office, still it could not be expected that he would himself get the electric connection disconnected. To run his office, may be for 2 or 3 hours during the day, and that too while engaging himself

the business of supplying various articles connected with electricity, he would always require electric supply to his premises. By no stretch of imagination, it can be said that he would not have any electric supply in the premises which he was using as an office for supplying electric articles to various departments.

It is thus established that the petitioner had ceased to occupy the tenanted premises and for that reason, the electricity department had disconnected the electric supply and, that too, from outside the tenanted premises, obviously on account of non-payment of electricity charges.

As the petitioner himself admitted that the tenanted premises were initially taken by him for selling electric articles, but he thereafter started using it as an office, the ground of change of user is clearly established.

In view of the above, there is no merit in the revision and the same is, therefore, dismissed.

On behalf of the petitioner, his counsel has undertaken that the petitioner shall hand over vacant possession of the tenanted premises to the landlord-respondent by 29.2.2008.

Accordingly, the petitioner is given time up to 29.2.2008 to vacate the tenanted premises and hand over its vacant possession to the

respondent by the said date. However, the petitioner shall pay the rent up to 29.2.2008 to the respondent along with the arrears in advance by 31.12.2007.

December 18, 2007 **(T.P.S.MANN)**
Pds **JUDGE**